

3-7-23
Agenda

AGENDA REQUEST

ORDINANCE RESOLUTION

2A

NO: 2023-

CAPTION: Approval of a Lump Sum Payment Stipulation Agreement with JMDH Real Estate of Pasadena, Texas LLC for an economic incentive of \$289,000.00 from Pasadena Economic Development Corporation.

RECOMMENDATIONS & JUSTIFICATION: Ordinance # 2018-178 approved a three party agreement between JMDH Real Estate of Pasadena, Texas LLC, Pasadena Economic Development Corporation and the City of Pasadena for the purchase and sale of a property and a performance agreement. This lump sum payment agreement allows the City to pay the economic incentive as a lump sum payment, and still requires JMDH Real Estate to comply with the annual data reporting requirements.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED:

COUNCIL DISTRICT(S) AFFECTED: N/A

REQUIRES APPROPRIATION:

See attached Certification

COUNCIL ACTION

Robin S. Green, Jr. DATE: 2/22/2023

REQUESTING PARTY (TYPED)

FIRST READING:

FINAL READING:

BUDGET DEPARTMENT

MOTION

MOTION

PURCHASING DEPARTMENT

SECOND

SECOND

APPROVED:

CITY ATTORNEY

DATE

DATE

MAYOR

DEFERRED:

CITY OF PASADENA
CERTIFICATION OF FUNDS

DATE: February 22, 2023

AMOUNT: \$289,000.00

DEPARTMENT NO: 14100

ACCOUNT NO. 9949-7124

TASK NO.

CIP NO.

PROJECT DESCRIPTION: Approve agreement to make a lump sum payment to JMDH Real Estate of Pasadena, Texas LLC.

I certify to the City Council that the money required for the contract, agreement, obligation, or expenditure contemplated in the above and foregoing ordinance is in the Treasury of the City of Pasadena to the credit of the above fund from which it is proposed to be drawn, and such money is not appropriated for any other purpose.


July St. Jean
City Controller

ORDINANCE NO. 2023-_____

AN ORDINANCE AUTHORIZING AND APPROVING A LUMP SUM PAYMENT STIPULATION AGREEMENT WITH JMDH REAL ESTATE OF PASADENA, TEXAS LLC FOR AN ECONOMIC INCENTIVE PAYMENT OF \$289,000.00 FROM PASADENA ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, Ordinance #2018-178 approved a three party agreement between JMDH Real Estate of Pasadena, Texas LLC, Pasadena Economic Development Corporation and the City of Pasadena for the purchase and sale of property and a performance agreement; and

WHEREAS, this lump sum payment agreement allows the City to pay the economic incentive as a lump sum payment, and still requires JMDH Real Estate to comply with the annual data reporting requirements and all other provisions of the original Agreement entered into and referenced herein; and

WHEREAS, the City Controller has certified to the City Council that there is available for appropriation in the hereinafter mentioned fund a sum sufficient for the purpose here below stated; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the City Council hereby finds and adopts the preamble to this Ordinance.

SECTION 2. That that certain Lump Sum Payment Stipulation Agreement, a facsimile of which is annexed hereto, incorporated herein for all purposes, and designated as Exhibit "1", by and

between JMDH Real Estate of Pasadena, Texas, the Pasadena Economic Development Corporation and the City of Pasadena, Texas is hereby authorized and approved.

SECTION 3. That the City Council finds that such contract is reasonable and necessary and that the fiscal obligation hereunder has heretofore been duly certified for availability from the Pasadena Economic Development Corporation;

SECTION 4. That the Mayor of the City of Pasadena, Texas is hereby authorized and directed to execute for and on behalf of the City the annexed contract document and counterparts thereof.

SECTION 5. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of
Pasadena, Texas in regular meeting in the City Hall this the
_____ day of _____, A.D., 2023.

APPROVED this the _____ day of _____, A.D., 2023.

JEFF WAGNER, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

AMANDA F. MUELLER
CITY SECRETARY
CITY OF PASADENA, TEXAS

JAY W. DALE
CITY ATTORNEY
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the
City of Pasadena, Texas in regular meeting in the City Hall
this the _____ day of _____, A. D., 2023.

APPROVED this the _____ day of _____, A.D., 2023.

JEFF WAGNER, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

AMANDA F. MUELLER
CITY SECRETARY
CITY OF PASADENA, TEXAS

JAY W. DALE
CITY ATTORNEY
CITY OF PASADENA, TEXAS

CITY OF PASADENA
LUMP SUM PAYMENT STIPULATION AGREEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS §

WHEREAS, on or about January 11, 2019 City of Pasadena, Texas ("City"), Pasadena Economic Development Corporation (the "EDC") and JMDH Real Estate of Pasadena, Texas LLC (the "Company") entered into a Purchase and Sale, Development and Performance Agreement for the exchange of certain tracts of real estate ("Agreement") as passed by Council in Ordinance 2018-178, incorporated herein by reference; and

WHEREAS, the conditions and terms of the Agreement, Par. 9 stipulate the EDC can make payment to JMDH Real Estate of Pasadena, Texas LLC in a lump sum payment in lieu of annual economic incentive payments, as specifically provided for in Par. 9.2 of the Agreement; and

WHEREAS, the Company agrees to this full and final payment in the amount of \$289,000.00 as satisfaction of all of the City's and/or EDC's economic incentive payment obligations to the Company as required by the Agreement, Par. 9; and

WHEREAS, the Company continues to remain obligated by the Agreement for compliance with each and every annual data

reporting requirement and all other provisions as specified therein.

Accordingly, this Agreement is made and entered into this ____ day of _____, A. D., 2023, by and between the City of Pasadena, Texas, a municipal corporation situated in Harris County, Texas (the "City"), Pasadena Economic Development Corporation (the "EDC") and JMDH Real Estate of Pasadena, Texas LLC (the "Company") for the payment of \$289,000.00 by the EDC to the Company in full and final satisfaction and release of all the City's and EDC's obligations under Par. 9 of the Agreement.

In Witness Whereof, the Parties have caused this Agreement to be executed the day and year first below written by their respective signatures.

SIGNATURE PAGES TO FOLLOW

City of Pasadena, Texas

JEFF WAGNER, MAYOR
OF THE CITY OF PASADENA, TEXAS

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This Agreement was acknowledged before me on the ____ day of _____, 2023 by JEFF WAGNER as MAYOR of the City of Pasadena, Texas.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Name: _____

My Commission expires:

PASADENA ECONOMIC DEVELOPMENT CORPORATION

RICK GUERRERO
DIRECTOR, Economic Development

THE STATE OF TEXAS §

COUNTY OF HARRIS §

 This Agreement was acknowledged before me on the ____ day of _____, 2023 by RICK GUERRERO as DIRECTOR of the Pasadena Economic Development Corporation.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Name: _____

My Commission expires:

Agreed and accepted by JMDH Real Estate of Pasadena, Texas LLC

AUTHORIZED AGENT

THE STATE OF TEXAS §

COUNTY OF HARRIS §

 This Agreement was acknowledged before me on the ___ day
of _____, 2023 by _____, the
_____ of JMDH Real Estate of Pasadena,
Texas LLC, on behalf of said company.

NOTARY PUBLIC AND FOR
THE STATE OF TEXAS
Name: _____

My Commission expires: